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Arizona Corporation Commission
BEFORE THE ARIZONA CORPORATION COMMISSION

JIM IRVIN
COMMISSIONER-CHAIRMAN
TONY WEST
COMMISSIONER
CARL J. KUNASEK
COMMISSIONER

MAY 13 1999

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IN THE MATTER OF THE APPLICATION OF
AMERICAN BUSINESS ALLIANCE, INC. FOR
THE CANCELLATION OF THE CERTIFICATE
OF CONVENIENCE AND NECESSITY TO
PROVIDE COMPETITIVE
INTERLATA/INTRALATA RESOLD
TELECOMMUNICATIONS SERVICES EXCEPT
LOCAL EXCHANGE SERVICES.

DOCKET NO. T-03105A-99-0150

DECISION NO. 61691

ORDER

Open Meeting
May 11 and 12, 1999
Phoenix, Arizona

BY THE COMMISSION:

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

FINDINGS OF FACT

1. American Business Alliance, Inc. ("Applicant") is a Pennsylvania corporation which received a Certificate of Convenience and Necessity ("Certificate") to provide competitive interLATA/intraLATA resold telecommunications services except local exchange services ("resold services") in the State of Arizona pursuant to Decision No. 60255 (June 13, 1997).

2. On March 15, 1999, Applicant filed an application for approval of the cancellation of the Certificate.

3. Applicant indicated that it has not provided telephone services to customers in Arizona since December 13, 1996. Applicant asserted that it holds no deposits and there are no outstanding complaints against it.

4. In Decision No. 58926 (December 22, 1994), the Commission found that resold services providers ("resellers") were public service corporations subject to the jurisdiction of the Commission.

5. Decision No. 59124 (June 23, 1995) adopted A.A.C. R14-2-1101 through R14-2-1115

1 to regulate resellers.

2 6. Pursuant to A.R.S. § 40-282, the Commission may issue Decisions regarding resellers
3 without a hearing.

4 7. On March 26, 1999, the Commission's Utilities Division Staff ("Staff") filed a Staff
5 Report, recommending approval of the application to cancel Applicant's Certificate without a
6 hearing.

7 **CONCLUSIONS OF LAW**

8 1. Applicant is a public service corporation within the meaning of Article XV of the
9 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

10 2. The Commission has jurisdiction over Applicant and the subject matter of the
11 application.

12 3. The cancellation of Applicant's Certificate is in the public interest.

13 4. Staff's recommendation in Findings of Fact No. 7 is reasonable and should be
14 adopted.

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ORDER

IT IS THEREFORE ORDERED that the application of American Business Alliance, Inc. for approval of the cancellation of its Certificate to provide competitive interLATA/intraLATA resold telecommunications services except local exchange services shall be, and is hereby, approved.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

COMMISSIONER-CHAIRMAN

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 13th day of May, 1999.

BRIAN C. McNEIL
EXECUTIVE SECRETARY

DISSENT
BMB:bbs

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